

REMARKS/ARGUMENTS

The present amendment is in response to the Final Office Action mailed on March 28, 2005. Claims 1, 7, 8, 9, 10, 12, 16, 20 and 21 have been amended. Claims 11, 15 and 19 have been cancelled. Thus, claims 1-5, 7-10, 12-14, 16-18 and 20-22 are currently pending.

In the Office Action, the Examiner first rejected claims 5 and 20-22 under 35 U.S.C. § 112, 2nd paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. With regard to the rejection of claim 5, it is noted that the strike through of the number 4 presented in the amendment of December 22, 2004 was unclear. It is hereby set forth that dependent claim 5 should depend from claim 1. With regard to the rejections of claims 20 and 21, it is noted that those claims have been amended herein to include proper dependency from dependent claim 10, which in turn properly depends from independent claim 9. As that independent claim is directed to a concentration measuring system, it is respectfully submitted that the phrase "the concentration measuring system" now has proper antecedent basis. The amendments of claims 20 and 21 also overcome the possible objection noted by the Examiner with regard to double-patenting. As claims 20-22 now ultimately depend from independent claim 9, and dependent claims 16 thru 18 ultimately depend from independent claim 7, and those independent claims are different, it is respectfully submitted that a double-patenting objection would no longer be warranted.

Further in the Office Action, the Examiner indicated that while objected to as being dependent upon a rejected base claim, dependent claim 11 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In the present amendment, Applicant has amended independent claims 1, 7 and 9 to include the limitations set forth in allowable dependent claim 11. Thus, it is respectfully requested that the Examiner remove any and all rejections of those independent claims, and move the case into condition for allowance. All remaining dependent claims should also be allowed as they properly depend from the aforementioned allowable independent claims. However, it is noted that Applicant has amended the claims in the present application in order to obtain prompt allowance of the present case. Applicant respectfully reserves the right to pursue claims in related or continuing applications that are of a broader or different scope than the claims currently pending in this application.

In view of the above, each of the presently pending claims in this application is

believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: August 29, 2005

Respectfully submitted,

By 

Kevin M. Kocun, Patent Agent

Registration No.: 54,230

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Agent for Applicant